

**PHARMACY EXAMINING BOARD
MADISON, WI
MINUTES
May 14, 2003**

PRESENT: Cynthia Benning, Michael Bettiga, John Bohlman, Georgina Forbes, Dan Luce, Charlotte Rasmussen, Susan Sutter

STAFF PRESENT: Tom Ryan, Bureau Director; William Black, Legal Counsel; Grace Schwingel, DOE Staff

GUESTS: Elizabeth Nelson, Women's International Pharmacy; Jamie Statz Paynter, Dean Pharmacy; Ken Rosenblum, Mendota Health Care/Insty Meds; Greg Primuth, Walgreens; L Breckheimer, Riverview Hospital

CALL TO ORDER

Susan Sutter, Chair, called the meeting to order at 9:00 a.m. A quorum of 7 members was present.

AGENDA

Amendments to agenda:

NABP Informational handout

Draft letter on out of state travel policy, dated May 9, 2003

Secretary joining us at 11:15 (after item M on the agenda)

11:30 Deputy Secretary, Mary Schlaefter

Appearance of Dr. Ken Rosenblum moved to 10:45 a.m.

Discussion of letter from Albertsons, dated May 2, 2003 regarding weights and measures
(after item P on the agenda)

Review of Minutes of Pharmacy Forum (after item M on the agenda)

Update on SB56 (after item P on the agenda)

Updates to closed session board orders, including letter from Tomahawk, dated May 2, 2003

May 7, 2003 letter from Aurora Pharmacy– Deanna Zychowski (after item L on the agenda)

Report from Dan Luce on NAPB meeting – (after item M on the agenda)

Change the date of the minutes from March 11, 2003 to April 9, 2003

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 9, 2003 AND TELECONFERENCE MINUTES
OF APRIL 24, 2003**

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to approve the minutes of April 9, 2003 as drafted. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the minutes of April 24, 2003 as drafted. Motion carried unanimously.

REVIEW OF EXAMINATION AND BOARD MEETING DATES, 2003

Barbara Showers reviewed with the Board the process, and logistics involved in setting and changing exam dates and board meeting dates. The Board reviewed exam dates for the remainder of 2003.

The Board expressed its preference for having board meetings on Tuesdays. However, if there is a small number (6) of examinees, the Board would be willing to change their board meeting date to Tuesdays in order to be able to complete all board member activities in one day.

CLEARINGHOUSE RULE 01-075 – CENTRAL FILL - HEARING - 9:15 A.M.

Chair Susan Sutter called to order at 9:15 a.m. the public hearing on Clearinghouse Rule 01-075 relating to an approved central fill system. No one registered to speak at the hearing. The hearing was adjourned at 9:18 a.m.

REVIEW VARIANCE AND REMODEL INFORMATIONAL PAGES FOR DRL WEB –

Legal Counsel, William Black, reviewed the revisions to the informational pages for a variance request and the request for the remodel of a pharmacy for the Department's website. In paragraph 2 of the variance request, "advanced" was changed to "advance." Under #5 of the Remodel request instructions, the term 'current' was inserted before 'proposed'. The variance and remodel forms may be published in a future issue of the Regulatory Digest.

DISCUSSION OF INVITATION FROM SUSAN KLEPPIN, R.PH.

The Board reviewed the April 2, 2003 letter from Susan Kleppin, R.Ph. from the UW-Hospital and Clinics, inviting the Pharmacy Board to participate in the planning for a series of educational programs that has been developed by the Wisconsin Pain Initiative and the Pharmacy Society of Wisconsin to bring prescribers, dispensers and regulators together to discuss the role of opioid analgesics in the management of chronic non-cancer pain. The Bureau Director, Tom Ryan, abstained from the discussion.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to have the Board participate in the planning and presentation process of the Wisconsin Pain Initiative educational program on an on-going basis. Motion carried unanimously.

VARIANCE REQUEST – ONYX ENVIRONMENTAL SERVICES, INC. LLC

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, specify that Wis. Admin. Code § Phar 13.11 does not allow for a variance. However, Wis. Admin Code § Phar 13.11 refers to storage generally under "appropriate" conditions. Therefore, with proviso represented, i.e., the drugs to be stored will be stored only while awaiting destruction, the Board determined that "appropriate" conditions would allow flexibility to not store drugs under the same conditions as in the instance where they were intended for later human consumption. Motion carried unanimously.

VARIANCE REPORT – QUAD/MED

The Board reviewed the variance report submitted by Quad/Med.

VARIANCE REQUEST – NEIGHBORCARE PHARMACY

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to deny the variance request of Neighborcare Pharmacy. More information is needed. The specific information requested by Legal Counsel in a letter dated March 17, 2003, related to volume was never addressed. The Board also requested screening by the Division of Enforcement. Motion carried unanimously.

VARIANCE REQUESTS – RIVERVIEW HOSPITAL ASSOCIATION APPEARANCE BY LORI BRECKHEIMER, R.PH.

Lori Breckheimer, R.Ph. appeared before the Board to present variance requests from Riverview Hospital Association and answered board member questions.

Review of Proposed inpatient drug delivery system to affiliated oncology center

Lori Breckheimer explained the proposed inpatient drug delivery system between the Riverview Hospital and the Riverview Cancer Center which are separate corporations that serve common patients, share pharmacy staff, and are both housed in the same building with shared ownership of the building between Riverview Hospital and the UW-Hospital. Legal Counsel, William Black, indicated this was similar to any institutional inpatient drug delivery which is acceptable under the current law that could be set up as a physician dispensing model.

Technician Ratio

Lori Breckheimer, R.Ph. explained how the technician ratio at the hospital pharmacy is managed. The Board decided no variance is needed under the proposed technician staffing plan.

Pharmacy minimum equipment

Legal Counsel, William Black, will write a letter to Lori Breckheimer informing her that her minimum equipment variance request is not properly before the Board at this time.

REQUEST FOR NEW PHARMACY LICENSE – FAMILY HEALTH CENTER PHARMACY (NEW)

MOTION: John Bohlman moved, seconded by Dan Luce, to approve the variance request of Family Health Center Pharmacy for common central fill and noted that no variance is required for the automated counting machine. Notification of its use was noted. Motion carried unanimously.

Note: The Board expressed interest in publishing a clarification of the variance and notification requirements in the Regulatory Digest with respect to automated dispensing.

PRACTICE QUESTION – CALUMET PHARMACY (FOLLOW UP)

Legal Counsel, William Black, will write a letter to Calumet Pharmacy seeking verification of the accuracy of its filling system, including more detail relating to general supervision.

REMODEL APPROVAL REQUEST – EUGENE KOSTECKI, R.PH.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to license the entire area with the provision that the door be secure, locked and monitored. The diagram must be re-submitted with the entire area, including the refrigerator, as part of the professional service area. Motion carried unanimously.

REMODEL APPROVAL REQUEST – CLINIC PHARMACY OF MARSHFIELD (42-6755)

MOTION: John Bohlman moved, seconded by Michael Bettiga, to approve the remodeling request of Clinic Pharmacy of Marshfield with the requirement that the whole area must be alarmed, excepting the hallway. Motion carried unanimously.

AURORA PHARMACY

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to authorize Legal Counsel, William Black to write a letter to Aurora Pharmacy addressing the need for a managing pharmacist to be present without absences that extend for more than 30 days, and to offer more description of its security provisions. Motion carried unanimously.

INSTY MEDS – APPEARANCE BY DR. KEN ROSENBLUM – 11:15 A.M.

Dr. Ken Rosenblum distributed a brochure on Insty Meds Prescription Medication Dispenser and gave a presentation of the prescription process to the Board, explaining its operation and responding to board members' questions. This process is currently being used in some hospitals and may become more prevalent. Accommodating the new technology may require a statute change.

SECRETARY AND DEPUTY SECRETARY APPEARANCE

Secretary Donsia Strong Hill explained the Department's draft travel policy and answered board members' questions regarding travel. To the extent that the Department's budget will allow, the Secretary supports having one board member attend a conference related to board business. The Boards should approve one representative to attend the regional or national meeting it chooses and then submit the request for the Department's approval.

Legal Counsel, William Black, addressed board members' concerns regarding reimbursement of travel related expenses, explaining various statutory and ethical protections currently in place.

MOTION: John Bohlman moved, seconded by Cynthia Benning, requesting that Department Legal Counsel research, with oversight by the Secretary's designee, various options that would allow board members to attend regional and national conferences within the constraints of the ethics code should clarification become necessary. Motion carried unanimously.

DEPUTY SECRETARY MARY SCHLAEFER

Deputy Secretary Mary Schlaefter reviewed the recent fee study report that was submitted to the Joint Finance Committee, explaining the basis for the current and previous fee schedules for licensees and answered Board members' questions. The Deputy also reviewed the staff reductions within the Department and spoke to the impact on the staffing needs of the Pharmacy Examining Board.

The new fee methodology captures costs that were not included under the old methodology, allocating credentialing staff time to specific professions and board services time to each profession. Greater complexity in the application review process and inspection costs will now be included in a profession's fees as well as specific enforcement costs.

The Department has eliminated 4.20 positions, including one pharmacy inspector. Duties of that position will continue to be the responsibility of the Division of Enforcement. No other staff changes are currently anticipated to directly affect the Board.

EXECUTIVE ASSISTANT CHRIS KLEIN

Executive Assistant Chris Klein reviewed with the Board his role as the Department's legislative contact and indicated he will be providing boards with a legislative chart each month. The Pharmacy Board has in the past appointed a board member to serve as the Board's legislative liaison to keep the Board apprised of the status of legislation that would impact the Board or the pharmacy profession. At its June meeting the Board will discuss the need and use of a Board legislative liaison.

REPORT ON WISCONSIN PHARMACY FORUM – SUE SUTTER

Susan Sutter gave a brief update on the Wisconsin Pharmacy Forum.

DATCP INSPECTIONS OF PHARMACIES - LETTER FROM ALBERTSONS, INC.

Legal Counsel, William Black, reviewed correspondence received relating to DATCP inspections of pharmacies. Legal Counsel will contact staff at the Department of Agriculture to arrange a meeting, and he will report back to the Board at its next meeting in June.

REPORT OF CONTROLLED SUBSTANCES BOARD – CYNTHIA BENNING, CSB CHAIR

Cynthia Benning reviewed with the Board the Controlled Substances Board Annual Report.

NABP ANNUAL MEETING IN PHILADELPHIA

Dan Luce gave a report on the NABP Annual meeting in Philadelphia, PA May 3-7, 2003. Resolutions emerging from the meeting may be discussed at the Board's meeting in June.

NEW USP REPROCESSING STANDARDS – REVIEW AND DISCUSSION

The Board reviewed new United States Pharmacopeia (USP) reprocessing standards for repackaged unit dose containers. Legal Counsel, William Black, will write to them for an extended explanation of the implications of the standards in view of current practice and to further clarify jurisdictional issues.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted

SB 56 UPDATE

The bill passed the State Senate with inclusion of an amendment related to controlled substance management.

CLOSED SESSION

MOTION: Dan Luce moved, seconded by John Bohlman, to adjourn to closed session pursuant to Wisconsin State statutes 19.85 (1) (a) (b) (f) and (g) to deliberate on stipulations, requests for full licensures, stays, request for extension of time to complete CE, possible suspension for Board Order violation, review of application, case status report and proposed administrative warnings, and consulting with legal counsel. Motion carried by roll call vote: Cynthia Benning-yes, Michael Bettiga-yes, John Bohlman-yes, Georgina Forbes-yes, Dan Luce-yes, Charlotte Rasmussen-yes, Susan Sutter-yes.

Open session recessed at 1:00 p.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to reconvene into Open Session at 2:30 p.m. Motion carried unanimously.

VOTING ON ITEMS DELIBERATED OR CONSIDERED IN CLOSED SESSION IF VOTING IS APPROPRIATE

REQUEST FOR THREE MONTH STAY

ROGER IVERSON, R.PH.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to grant the request of Roger Iverson, R.Ph. for a 3-month stay but not the board order. Motion carried unanimously.

JANET KRUEGER, R.PH.

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant the request of Janet Krueger, R.Ph. for a 3-month stay. Motion carried unanimously.

LANCE LUNDSTAD, R.PH.

MOTION: Charlotte Rasmussen moved, seconded by John Bohlman, to grant the request of Lance Lundstad, R.Ph. for a 3-month stay. Motion carried unanimously.

LUIGI MICELI, R.PH.

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to grant the request of Luigi Miceli, R.Ph. for a 3-month stay. Motion carried unanimously.

THOMAS PIRE, R.PH.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to grant the request of Thomas Pire, R.Ph. for a 3-month stay. Motion carried unanimously.

REQUEST FOR EXTENSION OF TIME TO COMPLETE CE

JEFFREY LANGFORD, R.PH.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the request of Jeffrey Langford, R.Ph. for a 60-day extension to comply with continuing education requirements. Motion carried unanimously.

Legal Counsel, William Black, will write to Jeffrey Langford informing him of the Board's decision.

REQUEST FOR THREE MONTH STAY AND MODIFICATIONS

DONALD LEETZ, R.PH.

MOTION: Dan Luce moved, seconded by Georgina Forbes, to approve the request of Donald Leetz, R.Ph. for a 3-month stay with no reduction of modifications. Motion carried unanimously.

JOHN SCHMITT, R.PH.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to approve the request of John Schmitt, R.Ph. for a 3-month stay and denied the request for modifications. He must continue to work with another pharmacist. Michael Bettiga abstained. Motion carried.

Legal Counsel, William Black, will write to John Schmitt, R.Ph. informing him of the Board's decision and that he is not eligible to be pharmacist in charge at this time.

DUANE OESTREICH, R.PH. – POSSIBLE SUSPENSION FOR BOARD ORDER VIOLATION

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to suspend the license of Duane Oestreich, R.Ph. Michael Bettiga abstained. Motion carried.

GREGORY TECHE, R.PH. – REQUEST FOR THREE MONTH STAY AND PHARMACIST IN CHARGE

MOTION: John Bohlman moved, seconded by Michael Bettiga, to approve the request of Gregory Teche, R.Ph. for a 3-month stay. He will be eligible to be a pharmacist in charge (PIC) at a later date after he completes the training in the Amersham Health Services nuclear pharmacy in Milwaukee. Motion carried unanimously.

DAVID KLEINGARTNER, R.PH. – REQUEST FOR FULL LICENSURE

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant the request of David Kleingartner, R.Ph. for a 3-month stay. He could apply in June 2003 for full licensure. Motion carried unanimously.

REVIEW OF APPLICATION – STEPHEN DEGUTIS

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to allow Stephen Degutis to sit for original licensure with limitations to be determined at the point of licensure. Application for licensure pursuant to Wis.Stat. s.450.05 was denied. Motion carried unanimously.

KURT KIELSING

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to allow Kurt Kielsing to sit for the exam. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

03 PHM 016

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to close 03 PHM 016 as an administrative closure. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Noted

PROPOSED ADMINISTRATIVE WARNING - 02-PHM-059

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to close 02 PHM 059 for P3. Motion carried unanimously.

REVIEW OF LICENSURE ISSUES

Noted

EXAMINATION ISSUES – DARWIN TICHENOR, DRL

MOTION: Charlotte Rasmussen moved, seconded by John Bohlman, to move discussion of examination-related issues to open session. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to accept scores that were given in today's examination. Motion carried unanimously.

ADJOURNMENT

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to adjourn the meeting at 2:40 p.m. Motion carried unanimously.

Next Meeting Thursday, June 19, 2003